

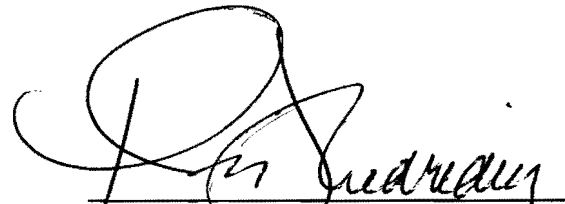
1. Such Motion (Doc. 13) is **GRANTED IN PART AND DENIED IN PART**, as follows:
 - a. The Motion is **DENIED** with respect to Counts I, II, and IV.
 - b. The Motion is **GRANTED** with respect to Counts III, V, and VI. These Counts are **DISMISSED WITH LEAVE TO AMEND**.
 - c. The Motion is **GRANTED** with respect to Punitive Damages only insofar as it seeks the demand for Punitive Damages to be stricken from Plaintiffs' Municipal Liability claim. It is **DENIED** in all other respects. The leave to amend granted with respect to Count VI **DOES NOT INCLUDE** leave to

reassert a demand for Punitive Damages in an amended Municipal Liability claim.

d. The Defendants' claim for Qualified Immunity is **CONDITIONALLY DENIED**, with leave to be reasserted at an appropriate time.

e. The Defendants' claim for Immunity under the Political Subdivision Tort Claims Act is **DENIED**.

2. Plaintiffs shall have **FOURTEEN (14) DAYS** from the date of this Order in which to file a Second Amended Complaint that cures the defects cited in the Court's accompanying Memorandum Opinion.

A handwritten signature in black ink, appearing to read "R. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge